

**NAVAJO COUNTY
OPEN OUTDOOR FIRE ORDINANCE**



ORDINANCE NO. 01 -99

An ordinance adopted pursuant to A.R.S. §§ 11-251 and 11-251.05, prohibiting certain Open Outdoor Fires in the unincorporated areas of Navajo County during periods when such fires are prohibited by the U. S. Forest Service; and providing civil and criminal penalties for violations.

WHEREAS, A.R.S. §§ 11-251(31) and 11-251.05 authorize the Navajo County Board of Supervisors to make and enforce all local police, sanitary and other regulations and ordinances not in conflict with general law; and

WHEREAS, the Board of Supervisors is concerned about dry conditions, low humidity, windy conditions and high temperatures, which increase the threat of human-caused fires in the unincorporated areas of Navajo County; and

WHEREAS, the Board of Supervisors has determined that the use of open outdoor fires contributes to this concern and threat; and

WHEREAS, the United States Department of Agriculture, United States Forest Service, from time to time prohibits certain open outdoor fires in areas designated by order pursuant to Title 36, Section 261.50 of the Code of Federal Regulations; and

WHEREAS, the Board of Supervisors wishes to prohibit certain open outdoor fires in the unincorporated areas of Navajo County during periods when such fires are prohibited by the Forest Service;

NOW, ~~THEREFORE~~, be it ordained by the Board of Supervisors that the following ordinance is hereby adopted and may be referred to as the Navajo County Open Outdoor Fire Ordinance:

SECTION 1: DEFINITIONS

- 1.1 **"Open Outdoor Fire"** means any combustion of combustible material(s) of any type that is not within a fully enclosed building, mobile home or other structure having four walls and a ceiling.
- 1.2 **"Campfire"** means an Open Outdoor Fire that is used for cooking, personal warmth, lighting, ceremony or aesthetic purposes.
- 1.3 **"Bonfire"** means an Open Outdoor Fire for the purpose of burning rubbish, waste material or refuse.
- 1.4 **"Gas Barbecue"** means a fixed or portable device where food is cooked outdoors on a metal frame over a fire fueled by a propane or gas source.

SECTION 2: PROHIBITION / EXEMPTIONS

- 2.1 **Prohibition against Open Outdoor Fires.** At any time when there is in effect an order issued by the United States Department of Agriculture, United States Forest Service, pursuant Title 36, Section 261.50 of the Code of Federal Regulations, placing certain restrictions on fires within a National Forest located wholly or partly within the boundaries of Navajo County, it shall be unlawful for any person to build, maintain, attend, ignite, or use an Open Outdoor Fire, including a Campfire or Bonfire, in the unincorporated areas of Navajo County, except as provided in this Section.
- 2.2 **Exemptions.** The following Open Outdoor Fires are exempt from the provisions of this ordinance:
 - A. Open Outdoor Fires used solely for the cooking of food on a Gas Barbecue.
 - B. Open Outdoor Fires set or permitted by any public officer in the performance of official duty for the purpose of weed abatement, the prevention of fire hazard or instruction in the methods of fighting fires.
 - C. Open Outdoor Fires set or permitted by the Director of the Department of Agriculture or County Agricultural agents for the purpose of disease and pest prevention.
 - D. Open Outdoor Fires set by or permitted by the Federal Government or any of its departments or agencies, or the State of Arizona or any of its departments, agencies or political subdivisions, for the purpose of watershed rehabilitation or control through vegetative manipulation.
 - E. Any Campfire within a designated area at a developed recreational site maintained by an agency or department of the federal, state or local government.

F. Open Outdoor Fires authorized by a permit issued pursuant to A.R.S. §49-501 *et seq.*

SECTION 3: PENALTIES / ENFORCEMENT

- 3.1 **Criminal Enforcement.** A violation of this ordinance shall be a petty offense punishable by a fine of not more than \$300.00 in the case of an individual or \$1,000.00 in the case of an enterprise. Provided, however, that no fine shall be levied unless the violator has previously been issued a written warning concerning a violation of this ordinance. Each day that a violation continues shall be deemed a separate offense.
- 3.2 **Civil Enforcement.** Alternatively to the penalties set forth in Section 3.1, a violation of this ordinance shall be punishable by a civil fine not to exceed \$100.00. At the discretion of the Director of Emergency Services, this ordinance may be civilly enforced by an action in the Justice Court or pursuant to the civil Hearing Officer procedure set forth in Article 27 of the Navajo County Zoning Ordinance. Each day that a violation continues shall be deemed a separate offense.

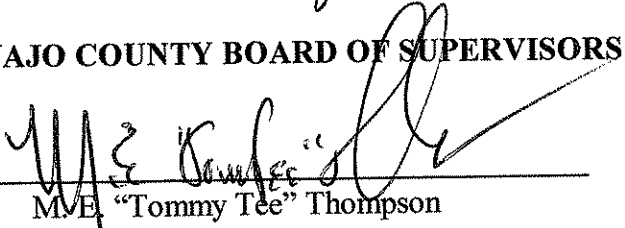
SECTION 4: APPLICABILITY

- 4.1 This ordinance applies within all unincorporated areas of Navajo County.


PASSED AND ADOPTED at Holbrook, Arizona, on August 2, 1999.

NAVAJO COUNTY BOARD OF SUPERVISORS

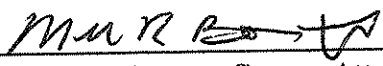
By


MVE "Tommy Tee" Thompson
Chairman

ATTEST:


Judy Jones, Clerk of the Board

APPROVED AS TO FORM:


Lance B. Payette, Deputy County Attorney
Melvin R. Bowers,